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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MENDEL BEKER,
a.k.a. Mikhail Lvovich,
a.k.a. Michael Beker,
ARIE PRILIK and
NEWCON INTERNATIONAL LTD.

Defendants.

Case No. CR 07-0765 MHP

**MEMORANDUM IN SUPPORT
OF UNITED STATES' MOTION
FOR AN ORDER GRANTING
LIMITED DISCLOSURE AND
PROTECTION OF GRAND JURY
MATERIALS**

A grand jury in the Northern District of California returned an Indictment in the matter of United States v. Mendel Beker, et. al. (CR-07-0765 MHP). FED.R.CRIM.P. 6(e)(2) provides a general rule of grand jury secrecy for "matters occurring before the grand jury," but FED.R.CRIM.P. 6(e)(3)(E)(i) permits the court to authorize disclosure "at a time, in a manner, and subject to any other conditions . . . preliminarily to or in connection with a judicial proceeding." Under this rule, a party seeking disclosure must show with particularity that the "need for disclosure is greater than the need for continued secrecy." United States v. Sells Engineering, Inc., 463 U.S. 418, 443 (1983), quoting Douglas Oil Co. v. Petrol Stops Northwest, 441 U.S. 211, 222-23 (1979).

Disclosure of grand jury materials for purposes of the trial in this case is necessary
U.S. MEMO RE: 6(e) DISCL: 07-0765 MHP - Page 1

1 to allow: (1) the defendants to obtain Rule 16 materials; (2) all parties to obtain the
2 assistance of consultants, contractors, and subcontractors in preparing their cases for trial;
3 and (3) all parties to disclose to prospective witnesses documents in preparation for trial.

4 In directing such a disclosure, the Court may impose protective limitations on the
5 use of disclosed materials. Douglas Oil, 441 U.S. at 223. The United States requests that
6 the Court limit defense counsel's use of the grand jury materials to preparation for or use at
7 trial and to forbid defense counsel from making further disclosure of the grand jury material
8 for purposes unrelated to this trial. Such a limitation is necessary here to comply with Rule
9 6(e)'s requirement of grand jury secrecy.

10 Accordingly, the requested order permits disclosure necessary for the parties to
11 prepare for trial, but protects the material from additional disclosure which could frustrate
12 the broad societal interest in grand jury secrecy.

13 DATED: February 24, 2010

Respectfully submitted,

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15 _____/s/_____
Jeane Hamilton
Attorney
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